

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 331

DATED 20 July 1897

[Despatch Abstract.]

Coming to the B^d of Rev. Pro of P. W. Dept. B^d.
re rules for the distribution of water at the
Kurani & Kathani dams across the
Mandari - Tanjore Sh.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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Revenue (1896) Department.

CURRENT No. 4492

1/20/11



From

Order no. 331 of 20th Jan 1897. The Public Works Dept
Irrigation Branch.

Communicated to the

Board of Revenue.

No. 1084 J.

119-1-97

Dated 21st December 1896.

Received 22-12-96

Registered 24-12-96

Enclosures

Spare copies

SUBJECT.

Regarding rules for the
distribution of water at
the Keeranur and Kuthanur
dams across the
Nundalar - Tanjore
District.

To
The Board of Rev. Lett. Dec. 23-1-97

Let.

Note for the Secy

It is presumed there
is no objection to a copy of the
Secy's note being sent to the
Board - *13 Jan 97*

11/1/97
13 Jan 97
11/1/97

BACK PAPERS.

G.O.	No.	Department.	Date.

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Public Works Department.

PROCEEDINGS OF THE BOARD OF PUBLIC WORKS.

Read the following:-

Letter from Lt. Col. A. L. Smart, R.E., Superintending Engineer on special duty, Tanjore, No. 602, dated 17th October 1902:-

I have the honour to request your orders with reference to the case of the masonry and other dams in the Mandilar now under dispute between the French and ourselves. In 1857 two mud dams at Keeranur and Kuthanur were replaced by masonry ones with a sluice in each fitted with needle shutters. In the report accompanying estimate, Mr. Pittford Smith says "a sluice of 10 feet width has been provided at each end of the work by which sufficient water may be let down when the river is low" that is for irrigation. Mr. Gibson, in 1888, informed the French Authorities that these vents were intended for irrigation of lower lands when water ran low.

In 1888 the French when their lands under the river were suffering considerably from scarcity demanded that the mud dams above should be cut and the sluices in the masonry dams opened to allow of their lands obtaining a supply. It appears that this was allowed but after much opposition. Since then, in 1890, the Collector in writing to the Administrateur Principal at Marikal said "your statement that the vents on both sides of the Keeranur and Kaligudi (Kuthanur) masonry dams were constructed to allow the free flow of water for the irrigation of the lands in your territory does not receive support from our officers. The S.P.W. sub-divisional officer says that the vents are meant solely for clearing silt in front of the dams and for allowing the free passage of water

during

during floods and that they should not be opened in ordinary irrigation season, much less during scarcity of water".

In my opinion this contention of the collector cannot be upheld in the face of the opinion of Mr. Gibson and of Mr. Mitford Smith as laid down in the report of the estimate. When a mud dam is replaced by a masonry one, those who irrigate under it are distinct gainers, and the owners of land lower down cannot so easily get a supply as with mud dams which they can cut at their leisure. To say nothing of the facts of the present case, it would appear to be only right that when masonry dams take the place of mud dams that a morai or turn should be given for the lower lands, when the free flow of water down the river would be allowed. In the case of the Mandalar, I believe the French would be satisfied if they were allowed from 1st August to 1st October one day in the week in which the sluices in the Meeranur and Nuthanur dams should be left open and a passage cut through the mud dams in our Territory for at the same time.

2. I am to meet the French in India sometime in December next to settle this and other disputed questions. I am of opinion that if I have authority to offer a morai in the case of the Mandalar dams, that it will facilitate matters very much and enable us to settle all the questions under dispute without much difficulty.

3. I send you the files in connection with the Mandalar for your reference.

Note by C. Stokes Esquire I.C.S. dated 15th November 1878:
Sometimes owing to the high level of the lands, sometimes owing to the scouring out of the bed of the source it is necessary to raise the water level in order to continue irrigation. From the earliest times it has been the practice in

in Tanjore to effect this by erecting mud dams across the source. It is plain from this that in times of scarcity of water the flow of water down the source must be cut off from the lower villages while if the dam be not allowed the upper villages cannot be irrigated. A system of compromise has ~~hitherto~~ therefore been devised by the establishment of a "morai" i.e. an arrangement by which each interested village shall get water "by turns". For example, if the irrigated area of a high level village were half that of a low level one, the high ~~level~~ level village would be allowed to erect a dam and take all the water for one day when the dam would be removed and the low level village would take all the water for the next two when the dam would be ^again ~~re~~ erected and so on. In many instances since the erection of mud dams means continuous expense such mud dams have been replaced by masonry dams constructed with shutters which can be removed in times of flood or when required by the "morai". The practice of erecting mud dams is of very ancient date in the Delta and many of these dams have been continuously erected before and are mentioned in the Paimash (i.e. Early Survey Accounts); such dams are called Paimash dams.

The law regulating the use of water by riparian owners is that the upper riparian owner may draw off as much water as he wants provided he does not thereby cause actual damage to lower owners. It is almost impossible to prove such damage; hence it is very difficult for lower owners to prevent the erection of such dams. New ones are being erected every day and after the lapse of the time needed to acquire a title by prescription or user become established. It has always been the settled practice of the district to hold that Paimash dams cannot be removed but that any other dam objected to must

must be removed unless long prescription is proved. Both the dams of Leesranur and Pattanur are talash dams.

The present dispute arose in this wise. In 1884 there was a great scarcity of water. The French Controller of Taxes inspected the river and channels on which the French irrigation depends and found in their upper reaches that there were a number of dams erected in British territory for the drawing off of water. He addressed the Administrator who wrote to the Collector of Bangalore. In his letter the Administrator states that certain dams are ^{here} contrary to usage and that the vents which are intended for passing water down in times of scarcity in certain masonry dams were completely closed. He argued that the water of a river, whatever its volume, ought to be of use to all the lands which it irrigates, while the English Mirasidars had completely dried up the river and he concluded by asking the collector to see that the river is never completely shut. Inquiries were made by the collector; some dams were found to be talash, some prescriptive and some unauthorized. All unauthorized dams were removed and their recreation was prohibited. The collector declined to interfere with the others and with some bad temper asked the Administrator not to waste his time too easily with unfounded complaints. He stated on the authority of the P. O. Officer that the vents in the masonry dams were for the purpose of carrying off flood water and silt, not for letting water down for the irrigation of French territory and he refers to a letter of Mr. Appel's dated 27th January 1885.

In his reply the Administrator quotes a correspondence ending with Mr. Gibson's letter No. 275 dated 11th July 1885, from which it appears that on the French authority asking that openings should be left in the middle or at the sides of

of

of the Keeranur and Puthanur dams so that the French villages might always receive irrigation water. R. Gibson said quoting the Engineer that "there were already openings which the Engineer considered sufficient to supply the irrigated lands in French Territory". The Administrator goes on to ask what becomes of the principle of equal sharing in the water by all those who have a right to it and further on says "our right to a proportionate sharing of the water especially in times of scarcity cannot be doubted". He concludes by asking that in dams authorised by the Paimash openings be left for the irrigation of French lands.

To this the Collector replied that he could not issue any such general orders as were asked for and that each case must be decided on its merits.

On this the Administrator asked for a Commission to ascertain the dispute as to Keeranur and Puthanur and he goes on to say "permit me to point out to you that the question is not as regards these two slices only. The complaint of our Mirasidars lies against other ~~many~~ dams, some authorised by Paimash others not so authorised. The dams not authorised by Paimash ought never to have been established and the dams authorised thereby ought all to be provided with an opening for the irrigation of the lower villages". No answer has been sent to this last letter.

Such being the French claims and arguments, the next question is the basis on which they rest. I can find little bearing on this. I find however that in November 1876 that M. Mitto, a Sub-overseer, P. O., reported that "each dam is close entirely without letting any water for the irrigation of the next down villages, but it is only accessible to the French territory to cut one and all of the dams and calingulas across the Kandalar for its irrigation at times of scarcity

of

of water".

On what this statement rested or whether it was ever investigated there is nothing to show but the sub-divisional officers accordingly reported that the "French Authorities have power to open all the temporary dams thrown across the Mandalar above the French calingula at Melladay at such season when there exists a scarcity of water".

Accordingly in the report accompanying the estimate for the Keeranur and Kuthanur dams it is stated said "a sluice of 1 foot width has been provided at each end of the work by which sufficient water may be let down when the river is low and which will act ^{as} surpluses during floods". This shows that the sluices are not for the clearance of silt as contended by Mr. Thomson, but the provision seems to have been based on Mr. Mitto's report and so is not so weighty as it would seem. A convention of the year 1882 is referred to as having settled such matters but there is no copy of it among the papers.

I find that in 1880 the Head Assistant Collector ordered the opening of these sluices in a time of scarcity of water. It is not very clear that in 1881 the mud dams were cut but Col. Smart may be correct when he states so. Mr. Happel's letter of 1880 is not among the papers.

I consider that all the available correspondence relating to the French claims should be got together and the English case be properly worked up. It is not so now. As far as can be seen however from these papers, the French seem to have the best of the argument. Col. Smart sets out most of the above points in his letter. From what is said above I think it appears that the statement in the estimate report is not as conclusive as it would appear at first. I think also that Col. Smart pushes Mr. Gibson's letter too far.

It will be seen that the French claims are not confined to the dams at Kuthanur and Keeranur. They seem to me ~~excessive~~ excessive.

excessive. There is really nothing to show they have ever been admitted. They are inconsistent with the nature of a mud dam and in regard to ~~many~~ many are barred by prescription. They should be directly traversed.

It will be seen above they have ^{been} changing and growing as the correspondence advanced. I think the first thing to be done is to get a distinct statement of their claim and the grounds of it, generally in regard to each work and to require that this statement be submitted for the consideration of ^{an examination} Col. Smart who should either accept it or record his reply and that distinct conventions should be drawn up on each point settled and ~~then~~ duly recorded and printed. These irrigation disputes are very difficult to settle and are constantly recurring.

In regard to recreation and amusement dams Col. Smart proposes to offer the French a moratorium of one day in the week from the 10th August to the 10th October. It is possible that this is an equitable arrangement but without information as to area, it is not possible to say whether it is so or not.

Order thereon: be. 1084 I., dated 21 December 1901.

Mr. Stokes remarks will be sent to Lt. Col. Smart, Superintendent Engineer, on special duty, for his consideration and assistance in drawing up the Rules which he may hold to be fair.

(True Extract)

J. H. ...

Under Secretary, Irrigation Branch.

- To
- The Chief Engineer for Irrigation.
 - „ Supt. Engineer on Special Duty, Cauvery Completion Estimates, Bangalore.
 - „ Supt. Engineer, Middle.
 - „ Revenue Department. ✓

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READ AGAIN G.O., No
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